

Amendments to the Drawings:

Please replace the drawings for Figures 1, 3A, 3B, 4, 5, and 6 with the Replacement Sheets filed herewith. These figures are a cleaner version of the drawings filed on September 20, 2000 and are described in the specification of the application. No new matter has been introduced with the replacement of the drawings as they were described in detail in the original specification.

REMARKS

Applicant has amended claims 1 and 15.

Applicant has rewritten the previously presented claim 3 in independent form as new claim 29. Claim 29 contains all of the limitations of claim 3 as previously presented.

New claim 30, which depends on claim 29, contains all of the limitations of claim 4 as previously presented.

Applicant has rewritten the previously presented claim 17 in independent form as new claim 31. Claim 31 contains all of the limitations of claim 17 as previously presented.

New claim 32, which depends on claim 31, contains all of the limitations of claim 18 as previously presented.

Applicant presents new claims 33 to 38.

Claim Rejections Under § 102:

Claims 1 and 15

Section 5 (page 3, last paragraph) of the Office Action rejects claims 1 and 15 under 35 U.S.C. § 102(e) as being anticipated by Boe et al. (United States Patent No. 6,236,975, hereinafter “Boe”). Claims 1 and 15 have been amended as set forth above. Applicant respectfully traverses the rejection of claims 1 and 15 as amended because, *inter alia*, Boe does not teach “searching said archived polls to provide a selected set of said polls, wherein said searching further comprises selecting polls that are more relevant to a user based on that user’s responses to previous polls.”

Significantly, the present application is directed to an advertisement system configured to deliver targeted advertisement to users based on how users interact with content such as polls.

Thus, polls are presented to a user, who interacts with the polls. Based on the interaction, a user

profile can be built. Advertisement can then be selected based on the profile and presented to the user, e.g., along with another poll; however, because the polls can be highly customized for each user, the advertisement presented can also be highly customized for each user. (See, e.g., 10:6-18.) In fact, the poll itself can actually be a targeted advertisement, such as a trailer for a particular movie. (See 10:16.

Boe on the other hand, is directed to a survey system in which a representative group of individuals can take a survey in order to determine things about a representative demographic. The present application is not necessarily concerned with presenting company with demographic information that the company can then tailor an advertising campaign around. Rather, the present system can be thought of as creating custom advertising for each user in real-time, i.e., as the user interacts with the system.

Accordingly, the present application describes and claims an adaptive system for customizing which polls are displayed to each user based on that user's previous responses. (See, e.g., 24:9-14; 20:27 – 21:13.) For example, a set of polls can implement a logical flowchart in which each and every poll response affects the subsequent sequence of polls displayed to the user, such that each user can be presented with a poll sequence that is narrowly tailored to his or her particular responses.

Although Boe discloses a simple system for selecting surveys based on user responses, the only example provided is omitting polls that are logically inconsistent with previous responses (e.g., questions relating to mortgage payments for a user who rents). Indeed, Boe distinguishes between demographic questions, which are used to determine which surveys to present to a customer and which are asked prior to presenting any surveys, and survey questions, which always appear after demographic questions:

After a business has provided the necessary information to survey system 12, an existing or potential customer using customer system 16 communicates with survey system 12 through network 18 and provides information that may be used by survey system 12 to create a demographic characterization of that customer. ... The customer then provides to survey system 12 responses to the series of survey questions previously chosen by the business.”

(Col. 4, ll. 39-48 (emphasis added).)

In contrast, the present application claims a more nuanced system which can adapt a poll sequence to the substance of a user’s responses. This is because the present application is not directed to gathering information from users about a certain demographic to be used later by advertisers to generate an add campaign. Rather, the present application is directed to systems and methods for presenting highly target content to the actual user. Thus, while Boe describes only a simple system for excluding polls that are necessarily irrelevant, the present application claims a general adaptive system for tailoring the selection and order of polls based on previous responses.

In order to sustain a rejection under 35 U.S.C. § 102(e), the cited reference must teach each and every claim limitation. (See MPEP § 2131). Moreover, “the identical invention must be shown in as complete detail as contained in the . . . claim.” (See MPEP §2131, citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)). Boe cannot, therefore, anticipate claims 1 and 15 as amended, because Boe fails to teach each and every element of claims 1 and 15 for at least the reasons stated above. Applicant therefore respectfully requests that the rejection as to claims 1 and 15 be withdrawn.

Claims 2-14 and 16-28

Claims 2-14 and 16-28 ultimately depend from claims 1 and 15, respectively, and are allowable for at least the reasons discussed above with respect to claims 1 and 15. Applicant therefore respectfully requests that the rejection as to claims 2-14 and 16-28 be withdrawn.

Claims 3, 17, 29 and 31

Applicant has rewritten claim 3 in independent form as new claim 29, which contains all the limitations of claim 3 as previously presented. Likewise, Applicant has rewritten claim 17 in independent form as new claim 31, which contains all the limitations of claim 17 as previously presented.

Applicant further respectfully traverses the rejection as to claims 3 and 17 because, *inter alia*, Boe does not teach “obtaining approval based on contents of each of said polls.” The present application teaches that new or modified polls cannot be saved into the poll library until they have been manually approved for content and classification by a human staff member:

As mentioned previously, there is a strict approval process in the creation of and modification of polls. The System staff must approve the poll (i.e., content, rating, category, etc.) before it is saved into their poll library. ... In any event, the System staff must review all activities of poll creation and modification in order to ensure that the polling content is appropriate and that each poll is categorized correctly.

(20:4-14.) (See also 15:13-20, 7:16-20, 8:3-6, 13:13-17.) This requirement of manual review is critical because, according to certain embodiments of the present invention, multiple entities can interact at different points in the process to create, categorize, select, and display poll and advertising content.

In particular, the present invention allows the syndication of content (created by Marketers and/or Content Providers) across multiple Affiliates’ web sites:

There are preferably five parties who participate in the operation of an embodiment of the present invention. ... The second party comprises of Web site affiliates (“Affiliates”) who agree to display interactive queries/polls or certain advertising on one or more of its Web pages as selected and delivered in accordance with the operation of the present invention. The third party consists of marketers, advertising agencies, sponsors, or other entities (“Marketers”) that create marketing campaigns, generate poll questions, and select the placement of ads in order to promote specified services and goods. This group includes parties who wish to sponsor certain polls in exchange for advertising space. The fourth party consists of news agencies, media companies, or any other business (“Content Providers”) that provide branded poll questions such as entertainment opinion and trivia

poll questions, as shown in Figs. 2A and 2B, and supply the various poll data to be delivered to users.

(5:12-25; see also 3:15-19.)

The step of manual, human review is therefore critical to guarantee quality control and content restrictions, and provide a check against improper classification of polls, particularly because the entities displaying the content (Affiliates) may be different than the entities creating the content (Marketers or Content Providers). For example, without human review, a Content Provider could submit a poll containing adult material that was improperly classified as suitable for children, which the System might then deliver to a family audience Affiliate site in violation of the Affiliate's content restrictions. Similarly, Content Providers may wish to prevent their branded content from being displayed on the Web sites of certain Affiliates:

Thus, it is important for the Content Providers to have control over which Affiliates host and display their polls and advertising content. There will be instances where Content Providers will not want their branded content being displayed at certain types of Web sites because of the content contained in those Web sites. For example, a movie studio that provides entertainment trivia polls may not wish that their logo, trademark or other associated advertising material appear on adult-oriented Web sites.

(17:13-19). Thus, because an automated system is typically not capable of making determinations on content type and quality, and because the content being displayed may be created by someone other than the Affiliate who displays it, human intervention is necessary.

Section 5 (page 4, third paragraph) of the Action states that Boe teaches indexing based on the contents of the polls, and that indexing the poll content implies approval has been sought and obtained by the database administrator. Nothing in Boe, however, teaches or suggests the intervention of a human actor in the step of storing or indexing a new poll. Indeed, nothing in Boe teaches or suggests that all the steps of receiving, storing, indexing, searching, and delivering a new poll are not performed automatically by the system.

Boe cannot, therefore, anticipate claims 3 and 17 because Poe fails to teach each and every element of claims 3 and 17 for at least the reasons stated above. Applicant therefore respectfully asserts that the rejection as to claims 3 and 17 be withdrawn. Further, applicant therefore respectfully asserts that claims 29 and 31 are in condition for allowance, and such is respectfully requested.

Claims 4, 18, 30 and 32

Claims 30 and 32, respectively, contain all the limitations of claims 4 and 18 as previously presented.

Claims 4, 18, 30 and 32 depend from claims 3, 17, 29 and 31, respectively, and are allowable for at least the reasons discussed above with respect to claims 3, 17, 29 and 31. Applicant therefore respectfully requests that the rejection as to claims 4, 18, 30 and 32 be withdrawn.

New Claims

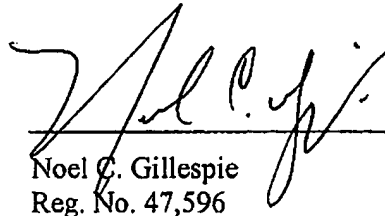
Applicant believes that new claims 37 and 38 added in the above amendments are fully supported by the specification, contain no new matter, and are in condition for allowance.

CONCLUSION

Applicant believes that given the above amendments and remarks, the claims are now in condition for allowance and such is respectfully requested. Applicant has included a request for a two month extension of time. With granting of the request this response is considered timely filed.

The Commissioner is hereby authorized to charge the \$550 in fees associated with the 10 new total claims and the three new independent claims. The Commissioner is hereby authorized to charge any additional fees or credit any over payments due with this response to deposit account 13-0480 referencing attorney docket number 67175120-001100.

Respectfully submitted,



Noel C. Gillespie
Reg. No. 47,596

Date: 4/13/04

Baker & McKenzie
2001 Ross Avenue, Suite 2300
Dallas, Texas 75201
Telephone (858) 523-6231
Facsimile (214) 978-3099